**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**FARAD CONTINUATION SHEET**
**MISC.CIVIL APPLICATION NO.37 OF 2004**

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| Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders. | Court's or Judge's orders |
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Ms Geeta Sardesai for the Applicant.
Shri K.L.Chinchmalatpure for Respondent

**CORAM: A.S.OKA, J.**

**DATED: AUGUST 19, 2004.**

**P.C.:**

1. The Applicant is the wife and the Respondent is the husband. The Applicant is a permanent resident of Pune. The Respondent-husband has filed a Petition in Family Court,Bandra, Mumbai for decree of nullity of marriage between the parties and in the alternative he has prayed for decree of divorce in the said Petition. The Applicant has filed a suit under Section 18 of Hindu Adoptions and Maintenance Act, 1956 which is pending in the Family Court at Pune.

2. The ground for transfer of the Petition which has been pleaded in the Application is that it is inconvenient for

the Applicant-wife to attend the proceedings in the Family Court at Bandra, Mumbai.

3. The Application is contested by the Respondent. The learned Counsel for the Respondent pointed out that the case filed by the Applicant under Section 18 of Hindu Adoptions and Maintenance Act, 1956 has been finally decided.

4. However, the pendency of the said matter is not the only ground. The ground for transfer of the Petition is inconvenience caused to the Applicant. My attention has been invited by the learned Counsel for the Applicant to the averments made in the paragraph No.5 of the Affidavit-in-reply of the Respondent which reads thus:

. "The opponent submits that after the marriage he came to know the real facts that she concealed the disease of Arthritis-ailment/Sandhivat and suffering from some other abnormal diseases. He found that the applicant is sickly lady.

The fraud was practised on the opponent by the applicant and her parents and they cheated him."

4. In view of the said averments, the case of inconvenience is established by the Applicant. Therefore, Transfer application will have to be allowed. Accordingly, the Application is allowed in terms of prayer clause (b).

5. It is made clear that even if the Petition bearing C No.9 of 2004 pending in the Family Court, Pune is disposed of, the Petition filed by the Respondent will stand transferred to the Family Court at Pune. No order as to costs.

6. Parties to act upon an ordinary copy of the order duly authenticated by the Court Sheristedar.

**Judge.**